



## DEVELOPMENT DEPARTMENT NORTHAMPTON COUNTY, VIRGINIA

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Development Department  
Kris Tucker, Director  
- Planning  
- Zoning  
- Building  
- Code Compliance  
- Economic Development

16404 Courthouse Road  
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Eastville, VA 23347  
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### Action Memo

To: Northampton County Board of Supervisors  
From: Peter Stith, AICP   
Long Range Planner  
Subject: Planning Commission Recommendation – Special Use Permit (SUP) 2016-04  
Date: June 8, 2016

The Northampton County Planning Commission met in regular session on June 7, 2016 with all of the commissioners in attendance except Commissioners Leatherbury, Stanley and Fauber. A public hearing was held on the matter described below, and the commission formulated a recommendation to the Board, as follows.

#### Petition:

**Special Use Permit 2016-04:** Candace Nottingham has applied to obtain a special use permit for a Bed and Breakfast (NCC, 4/12/2016, Appendix A, Category 3 Commercial Uses #21) on property located 3059 Toms Lane, near Eastville. The property, described as Tax Map 57, double circle A, parcel 99A, is zoned ECC/R, Existing Cottage Community/Residential and contains approximately 7 acres of land.

#### Staff Comment

The special use permit request has been made by the applicant in order to operate a three room bed and breakfast out of an existing home. The applicant will be the resident manager onsite and will occupy the fourth bedroom in the home. The property is located in the Smith Beach community. The subject parcel is bordered by The Gulf on the north, east and southeast. The parcel to the south is zoned A/RB, Agriculture/Rural Business and contains a dwelling. The parcel to the west is zoned ECC/R, Existing Cottage Community/Residential and is owned by the owner of the subject property. There is another adjacent parcel to the west and it is also zoned ECC/R and contains a dwelling.

The property is not located within the main recharge area spine. The property does contain a Resource Protection Area on three sides. There are no new improvements planned for the proposed use. The house is located outside of the 100 foot buffer.

#### Public Hearing:

During the public hearing Mr. Bert Turner spoke on behalf of the owner, stating this is an appropriate use for the Smith Beach community. He also stated the owner is in the process of installing a new septic system that will accommodate 6 bedrooms. The Commission had several questions related to beach access, kayak/boat use, a place for the resident manager's dogs, who owns and maintains Toms Lane, and if they would possibly increase the number of rooms based on the new septic system. Mr. Lee Nottingham, owner of the property, stated there

is a beach access easement with parking that will be available to visitors but they would not be providing kayaks or anything of that nature to guests. He stated guests could bring their own kayaks and use them. He indicated he owns and maintains Toms Lane. He also stated they are building Ms. Nancy Kennedy, the resident manager, stated her dogs will be crated and kept in her room and are never outside without her. Mr. Nottingham stated they may increase the number of bedrooms in the future but not at this time. Mr. Nottingham provided documentation of the new septic system and indicated it was the intent to have it completed before the Board of Supervisors meeting on the 14<sup>th</sup>. There were two letters submitted in support of this petition. There was a letter submitted in opposition but was not given any merit because it was anonymous. There were no other public comments and the hearing was closed.

Commissioner Ward made a motion to recommend approval of a three bedroom bed and breakfast with the condition that upon completion of the additional septic system, it could be expanded to the capacity of the new system. With a second from Commissioner Freeze, the motion carried unanimously (4-0).

# Bundick Well & Pump Company

"Let Our Years of Experience Solve Your Water and Sewage Problems"

35162 Lankford Highway

PO Box 15

Painter, Virginia 23420

757-442-5555/757-824-3555

Fax 757-442-6736

## FAX TRANSMITTAL SHEET

DATE: 6-3-16

TO: NOTTINGHAM

FAX #: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_

NUMBER OF PAGES INCLUDING THIS PAGE: 4

FROM: GRANT COOLEY

NOTE: IF YOU DO NOT RECEIVE THIS FAX CLEARLY OR IN ITS ENTIRETY, PLEASE CALL 757-442-5555.

### COMMENTS:

ATTACHED IS THE APPLICATION PAGE + THE REQUEST  
FOR PLAT WAIVER ATTACHMENT A + B

PLEASE JUST SIGN - I WILL FILL IN THE  
DATES!! THANKS!

## Commonwealth of Virginia

### Application for a Sewage Disposal System Construction Permit

Type of sewage system:  New  Repair  Expanded  Conditional (VDH Use) H.D.I.D.# 16-165-  
Northampton County Health Department Date: \_\_\_\_\_  
 Tax Map# 57-A-99A

#### To Be Completed By The Applicant

Owner Candace S. Nottingham Address P.O. Box 908 Phone 695-1991  
Eastville VA 23347  
 Agent Grant M. Cooley AOSE #1361 Address P.O. Box 15 Phone 757-442-5555  
Painter, Va. 23420

Directions to Property: From Eastville, take Savage Neck Rd. west to right at fork in road-Smith Beach Rd.  
follow to right onto Toms Ln. follow to end at 3059

Subdivision Smith Beach Section \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_  
 Other Property Identification 16344 Smith Beach Rd. Tax Map No. 57-A-99A

Dimension/Size of Lot/Property see site plan

Building/facility	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	
Intermittent Use	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, describe _____
Residential Use	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Termite Treatment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
	<input checked="" type="checkbox"/> Single Family	<input type="checkbox"/> Multi-family	
	<u>3 +3</u> Number of bedrooms	<u>1</u> Number of Units	
Basement	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	New 3 bdrm D.F. for proposed B & B
Fixtures in Basement	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	(Existing 3 bdrm drainfield to remain)
Commercial Use	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Describe <u>Proposed B &amp; B</u>
Commercial Wastewater	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Number of Patrons <u>2 to 8</u>
			Number of Employees <u>1 to 2</u>

If yes, give volumes and describe \_\_\_\_\_

#### Proposed Sewage Disposal Method:

Onsite Sewage Disposal System:  Septic Tank & Drainfield  LPD  Mound  Other\*

#### Water Supply:

Public  New  Existing  
 Private  New  Existing

Describe: Deep Well

The property lines, building location, and sewage disposal system site are clearly marked and the property is sufficiently visible to see the topography. I give permission to the Department to enter onto the property described for the purpose of processing this application.

Candace S. Nottingham  
 Signature of Owner/Agent

\_\_\_\_\_  
 Date

**ATTACHMENT A**  
**REQUEST FOR A WAIVER TO THE SURVEY REQUIREMENT**  
(TO BE COMPLETED BY THE OWNER)

Owner's Name CANDACE S. NOTTINGHAM

Owner's Address P.O. Box 908 EASTVILLE, VA 23347

Owner's Telephone Number 645-1991

Property Location 3059 TOMS LN

Health Department Identification Number \_\_\_\_\_

1. Yes  No  Is a complete site sketch provided with your application showing the property dimensions, all proposed and/or existing structures, driveways, underground and overhead utilities on the property, adjacent sewage disposal systems, bodies of water, drainage ways, agricultural drain tiles, wells, cisterns, and springs for a minimum of 200 feet radius of the proposed building and/or drain field?
2. Yes  No  Have you clearly marked the property boundaries?
3. Yes  No  Have you clearly marked the proposed building or buildings?
4. Yes  No  Are there any permanent structures within 200 feet of the proposed drain field?
5. Yes  No  Does your parcel of land consist of a single lot?
6. Yes  No  Is your parcel of land directly influenced by the off site location of any sewage disposal system, well and/or body of water?
7. Yes  No  Is your application for an onsite sewage disposal system construction permit to repair or replace a malfunctioning system serving a single family or duplex residential dwelling?
8. Yes  No  Is your application for an onsite sewage disposal system construction permit to expand an existing system serving a single family or duplex residential dwelling?
9. Yes  No  Is your proposed building and/or proposed drain field located within 200 feet of a property line?
10. Yes  No  Does a survey plat exist for your property?
11. Yes  No  Does the survey plat requirement pose an undue hardship upon you?  
If yes, explain: COST PROHIBITIVE
12. Yes  No  Do you understand that a certification statement shall be signed by you verifying the sewage disposal system is located on your property as permitted prior to issuance of an operation permit?

In all cases, it shall be the landowner's responsibility to ensure that the system is properly located as permitted.

Owner's Signature Candace S. Nottingham - Date \_\_\_\_\_

\*\*\*\*\*

**VDH USE ONLY**

Waiver:      Granted      Denied      (circle one)      Date \_\_\_\_\_

Health Department Identification Number \_\_\_\_\_

Reason(s) for denial of waiver \_\_\_\_\_

Environmental Health Specialist Senior's Signature \_\_\_\_\_

Environmental Health Supervisor's Signature \_\_\_\_\_

**ATTACHMENT B**  
**VERIFICATION OF SEWAGE SYSTEM LOCATION**  
**TO BE SIGNED BY THE OWNER**

Owner's Name CANDACE S. NOTTINGHAM

Owner's Address P.O. Box 908 EASTVILLE, VA 23347

Owner's Telephone Number 695-1991

Property Location ~~3095~~ 3059 TOMS LN.

Health Department Identification Number \_\_\_\_\_

I hereby affirm that I am the owner of the property identified above. I have verified that the onsite sewage system identified above has been installed in the proper location, as permitted by the Virginia Department of Health on the property identified above. I understand that in all cases it is my responsibility to ensure that the onsite sewage system is properly located.

Owner's Signature Candace S. Nottingham

Date \_\_\_\_\_



Dale and Kim Smith of 2214  
Tom's Lane Have No problem  
with the opening of a Band B  
at the White Cliff House

Dale Smith

TO: Lee and Candy Nottingham

FROM: Patty and Joe Mysko

DATE: May 4, 2016

To Whom It may Concern,

As property owners adjacent to that owned by Lee and Candy Nottingham, we do not object to the Whitecliff home and grounds being used a bed and breakfast.

*Patty Mysko*  
*Joe Mysko*

**received**  
6/3/16